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**ORIGINAL**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**RICKEY A. BECHTEL,**

**Plaintiff,**

**v.**

**DANIEL A. VIRTUE, Business Agent of the  
International Brotherhood of Teamsters;  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; LOCAL 776,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS; ABF FREIGHT SYSTEM,  
INCORPORATED,**

**Defendants.**

**FILED**  
**HARRISBURG**

**APR 15 2002**

**MARY E. D'ANDREA, CLERK**  
Per RB  
**DEPUTY CLERK**

**Case No. 3:01-CV-789**  
**Judge Sylvia H. Rambo**


**DEFENDANT ABF FREIGHT SYSTEM, INC.'S**  
**MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant ABF Freight System, Inc. ("ABF") hereby moves for Summary Judgment on all claims in Plaintiff Rickey A. Bechtel's Complaint. As demonstrated in ABF's accompanying Memorandum of Points and Authorities, Plaintiff has failed to present any evidence to show that Defendant ABF breached the terms of the National Master Freight Agreement or that Defendants Virtue, Teamsters Local 776, and the International Brotherhood of Teamsters breached their duty of fair

representation. ABF respectfully requests that this Court grant ABF's Motion for Summary Judgment and dismiss all of Plaintiff's claims in their entirety.

Respectfully submitted,

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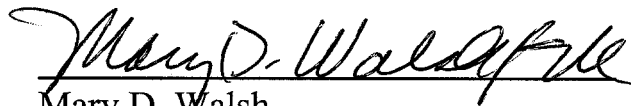
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Attorneys for Defendant  
ABF Freight System, Inc.

Dated: April 15, 2002

**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

I, Mary D. Walsh, certify that on April 12, 2002, Chrystie Kempka, on my behalf, contacted Robert S. Mirin, counsel for Plaintiff, who informed her that Plaintiff does not concur in this motion. On April 11, 2002, I contacted Jason Weinstock, Counsel for Virtue, Local 776, International Brotherhood of Teamsters and the International Brotherhood of Teamsters, who informed me that Defendants Virtue, Local 776, and the IBT concur in this motion.

  
Mary D. Walsh

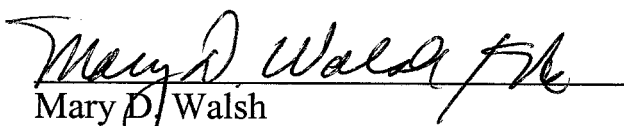
**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of April 2002, a copy of Defendant ABF Freight System, Inc.'s Motion for Summary Judgment, ABF Freight System, Inc.'s Memorandum of Points and Authorities in Support of Motion for Summary Judgment, ABF Freight System, Inc.'s Statement of Undisputed Facts in Support of Motion for Summary Judgment, and Recommended Order were served via overnight delivery on the following:

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